
Z-2553
GREG BOESCH
HB to GB

STAFF REPORT
October 10, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of owner, Horner Fuels, Inc. and represented by Joseph Bumbleburg, is requesting rezoning of 1.20 acres of Highway Business-zoned (HB) property to General Business (GB). The unimproved property is located in the Town of Battle Ground, on the east side of SR 43, south of CR 600 N in Tippecanoe 27 (NW) 24-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is currently zoned HB, Highway Business. Prior to the interstate, land on the east side of SR 43 was zoned R1; land on the west side was zoned A. In 1966 the east frontage of SR 43 between I-65 and CR 600 N was rezoned to AB (Accommodation Business) (Z-197) which was converted to HB (Highway Business) in 1998.

All immediately surrounding property is also zoned HB. Farther from the SR 43/I-65 interchange, zoning becomes more varied. Agricultural zoning dominates to the west and north; residential zoning and neighborhood business zoning can be found to the east closer to the center of historic Battle Ground.

In 2001, there was an unsuccessful attempt to rezone almost 7 acres on the west side of SR 43 from HB to GB (Z-2027). Then, in 2008, an attempt to rezone Lots 1-6 of Bluebird Estates located at the northeast corner of SR 43 and 600 N from A and R2 to HB for a recreational vehicle dealer was passed by the County Commissioners (Z-2383).

AREA LAND USE PATTERNS:

The site is unimproved. Land uses in the area serve the travelling public; directly south and across SR 43 from the site are gas stations, farther south is a fast food restaurant, a motel is located east, and another restaurant occupies the northwest corner of SR 43 and CR 600 N. The State Police Post abuts the site to the north.

TRAFFIC AND TRANSPORTATION:

The property currently has two access points onto SR 43 that look as if they were built when the highway was redone several years ago. Petitioner must coordinate with INDOT regarding access.

State Road 43 is a 5-lane primary arterial at this location; there is no barrier median that prevents unrestricted ingress/egress out of this site. The most recent traffic counts taken in 2011 indicate 16,691 vehicles pass daily.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Battle Ground sanitary sewer and water can serve the site.

STAFF COMMENTS:

The intent of the Highway Business zone in the Unified Zoning Ordinance is very specific: “to provide areas where interregional highways (I-65, US 52, US 231, SRs 25, 26, 28, 38 and 43) intersect each other, for the lodging, shopping, recreational and service needs of the traveling public” (UZO 2-18-1). If that wasn’t specific enough, the ***Battle Ground Area Adopted Land Use Plan*** reiterates the intent of the HB zone and states that the “area along SR 43 between Interstate 65 and CR 600 N is set aside primarily for the lodging, shopping, recreational, and service needs of the traveling public.”

While the site’s location meets the intent of the HB zone, petitioner’s proposed use, a liquor store, does not. It would be inappropriate to allow a GB rezone to occur in the vicinity of this interregional highway interchange.

STAFF RECOMMENDATION:

Denial